

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
KEVIN YAN LUIS, On Behalf of Himself and All Others :
Similarly Situated, :

Plaintiff, :

-v- :

VISIONWORKS OF AMERICA, INC., :

Defendant. :
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22 Civ. 4651 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiff filed the Complaint on June 3, 2022, Dkt. 1, but the docket reflects that the Complaint was never served on Defendant. Federal Rule of Civil Procedure 4(m) states: “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). On September 20, 2022, the Court directed Plaintiff to file a letter by September 27, 2022 showing good cause why service was not made within 90 days or the Court would dismiss the case. Dkt. 5. Plaintiff did not file this letter.

The Court therefore dismisses this case without prejudice. *See Rivera v. Discovery Wines LLC*, No. 19 Civ. 1418 (RA), 2019 WL 3338140, at *1 (S.D.N.Y. July 24, 2019) (dismissing action without prejudice under Rule 4(m) where plaintiff failed to file an ordered letter with the court explaining his failure to serve). The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

Dated: October 12, 2022
New York, New York



JOHN P. CRONAN
United States District Judge